

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

3D SURFACES, LLC,  
*Plaintiff*

v.

DELL TECHNOLOGIES INC. and  
DELL INC.,  
*Defendants*

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CIVIL NO. 1:22-CV-00854-RP

**ORDER**

Now before the Court is Defendants' Opposed Motion to Stay Pending *Inter Partes* Review of the Asserted Patents, filed October 2, 2022 (Dkt. 86), and the associated response and reply briefs. By Text Order entered January 17, 2023, the District Court referred the Motion to Stay to this Magistrate Judge for disposition, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas.

The Patent Trial and Appeal Board of the United States Patent and Trademark Office instituted *inter partes* review for both patents-in-suit on April 19, 2023. One week later, the parties filed a joint stipulation to stay this litigation, stating that "the parties agree that the stay should continue until the PTAB issues final written decisions in both IPR2022-01589 and IPR2022-01591." Dkt. 95 at 1. The parties disagree whether the stay should extend through completion of any related appeals, but "have agreed to meet and confer on this issue further following the PTAB's issuance of its final written decisions and, to the extent a dispute remains, will raise this issue with the Court at that time." *Id.*

The Court hereby **GRANTS** the joint stipulation and **ORDERS** that this action is **STAYED** through the PTAB's issuance of its final written decisions in IPR2022-01589 and IPR2022-01591 pending further order of the Court.

**IT IS FURTHER ORDERED** that the parties shall file status reports **every 90 days** apprising the District Court of the status of *inter partes* review. The first status report is due **August 3, 2023**.

Defendants' Opposed Motion to Stay Pending *Inter Partes* Review of the Asserted Patents (Dkt. 86) is **DISMISSED** as moot.

**IT IS FINALLY ORDERED** that the Clerk remove this case from the Magistrate Court's docket and return it to the docket of the Honorable Robert Pitman.

**SIGNED** on May 4, 2023.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE